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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

PETER M. BOFFELLI, JR. and TAMMY L.
CULLUM-BOFFELLI,

Plaintiffs,

v.

EMC MORTGAGE CORPORATION,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, and AMERICAN
HOME MORTGAGE,

Defendants.

**STIPULATED MOTION TO SET ASIDE
ORDER OF DISMISSAL WITHOUT
PREJUDICE, AND FOR ENLARGEMENT
OF TIME TO FILE OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

(First Request)

Civil No.: 2:10-cv-1514

Judge: Philip M. Pro

Plaintiffs Peter M. Boffelli, Jr. and Tammy L. Cullum-Boffelli ("Plaintiffs") and Defendants JPMorgan Chase Bank, N.A., as successor in interest to EMC Mortgage LLC, formerly known as EMC Mortgage Corporation (sued as EMC Mortgage Corporation) and Mortgage Electronic Registration Systems, Inc. (collectively "Defendants"), by and through their respective counsel of record, jointly stipulate and move this Court for an Order setting aside the Court's Order Granting Defendants' Motion to Dismiss this matter, and for an enlargement of time for Plaintiffs to respond to Defendants' Motion to Dismiss. In support of this stipulation, the parties state the following:

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1. Plaintiffs filed their First Amended Complaint on or about December 29, 2010. (*See* Doc. 4.)
2. At Defendants' request, Plaintiffs granted Defendants an extension of time to prepare and file their responsive pleading. Defendants thereafter filed a Motion to Dismiss on April 1, 2011. (*See* Doc. 9.) Plaintiffs' response to the motion was due on April 18, 2011. *Id.*
3. On or around April 22, 2011, Plaintiffs requested an extension of time to prepare and file their opposition to Defendants' motion to dismiss. Defendants granted Plaintiffs' request and agreed to the extension.
4. By the time Plaintiffs prepared and submitted a draft stipulation regarding the extension to Defendants for their review, however, on April 25, 2011, the Court entered an Order granting Defendants' motion to dismiss and terminating this case. (*See* Doc. 11.)
5. The Court's Order notwithstanding, the parties had previously agreed to allow Plaintiffs additional time to respond to the motion to dismiss.
6. Therefore, the parties now hereby stipulate and agree that the Court's April 25, 2011 Order dismissing this matter be set aside; that Plaintiffs shall file a response to Defendants' Motion to Dismiss within seven (7) days from the date this Court vacates

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1 the Order; and that Defendants' Reply memorandum will be due ten (10) days after service
2 of Plaintiff's response.

3 DATED this 4th day of May, 2011.

4 CORVUS LAW GROUP, LLC

SMITH LARSEN & WIXOM

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6 /s/ Ryan R. West
Ryan R. West

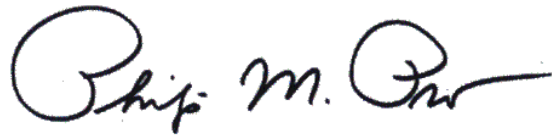
/s/ Jordan J. Butler
Jordan J. Butler

7 Attorney for Plaintiffs

Attorney for Defendants JPMorgan Chase
Bank, N.A., as successor in interest to EMC
Mortgage LLC, formerly known as EMC
Mortgage Corporation, and Mortgage
Electronic Registration Systems, Inc.

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12 **ORDER**

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14 IT IS SO ORDERED.

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17 UNITED STATES DISTRICT JUDGE

18 DATED: May 9, 2011.
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